

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-11681
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT September 21, 2005 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 03-23195-CV-UUB

RUEL D. LATOJA,

Plaintiff-Appellant,

versus

CARNIVAL CORPORATION,
d.b.a. Carnival Cruise Lines Incorporated,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(September 21, 2005)

Before ANDERSON, BLACK and CARNES, Circuit Judges.

PER CURIAM:

As the appellant, Ruel D. Latoja, candidly concedes, his position in this appeal is squarely foreclosed by our decision earlier this year in Bautista v. Star Cruises, 396 F.3d 1289 (11th Cir. 2005). There is no material distinction between the two cases. Latoja seeks only to preserve his ability to seek certiorari review in the United States Supreme Court, and he has done that.

AFFIRMED.